

Research and Special Programs Administration

49 CFR Parts 107 and 180

[Docket Nos. HM-183, 183A; Amdt. Nos. 107-20, 180-2]

RIN 2137-AA42

Requirements for Cargo Tanks; Compliance Date

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; revision of compliance date.

SUMMARY: RSPA is delaying the compliance date for a provision contained in 49 CFR 107.503(b)(1) and (c) that persons who are engaged in the manufacture and repair of MC 306, MC 307 and MC 312 cargo tank motor vehicles must submit a copy of their American Society of Mechanical Engineers (ASME) "U" or National Board of Boiler and Pressure Vessel Inspectors (National Board) "R" Certificate of Authorization to RSPA before December 31, 1991. RSPA is delaying the compliance date to June 30, 1992. This action is being taken to allow the National Board, which performs the inspection reviews, additional time to process its backlog of authorization requests.

EFFECTIVE DATE: Effective December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Charles Hochman, (202) 368-4545, Office of Hazardous Materials Technology, or Hattie Mitchell, (202) 366-4488, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: The Hazardous Materials Regulations (49 CFR parts 171-180) require that any person engaged in the manufacture, assembly or repair of DOT specification cargo tanks or cargo tank motor vehicles, and cargo tanks manufactured under exemption must hold a current ASME "U" or National Board "R" Certificate of Authorization. Sections 107.504(b)(1) and (c) require manufacturers (including certain assemblers) and repairers of MC 306, MC 307 and MC 312 cargo tank motor vehicles to submit a copy of their Certificate of Authorization to RSPA before December 31, 1991. Similarly, § 180.413(a) provides that any repair, modification, stretching or rebarrelling on any low pressure MC series cargo tank must be performed by a holder of

an ASME "U" stamp or a National Board "R" stamp after January 1, 1992.

RSPA has received several written and telephonic requests to delay the December 31, 1991 compliance date for RSPA to receive these ASME or National Board Certificates of Authorization. The ASME and the National Board both have established procedures for inspection and certification of facilities engaged in the construction and repair of cargo tanks. Prior to issuance of both types of certificates, the National Board conducts a review of the manufacturer's or repairer's facility and witnesses a demonstration of the operator's quality control system and fabrication or repair procedures. Because of a substantial increase in the number of these authorization requests, the National Board is experiencing scheduling delays of 3-4 months in some states. Therefore, RSPA is delaying the date for submission of these ASME and National Board Certificates of Authorization from December 31, 1991, to June 30, 1992.

Because the amendments adopted herein impose no new regulatory burden on any person, notice and public procedure are unnecessary. For these same reasons, these amendments are being made effective without the usual 30-day delay following publication.

Administrative Notices

A. Executive Order 12291

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. However, it is a significant rule under the regulatory procedures of the Department of Transportation (44 FR 11034). This rule does not require a Regulatory Impact Analysis, or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) This final rule does not impose additional requirements and has the net result of reducing costs imposed under the final rule published in the Federal Register on June 12, 1989 (54 FR 38233) without reducing safety. The original regulatory evaluation of the final rule was not modified because this final rule does not impose additional requirements and does not make substantive changes to the final rule. That document is available for review in the docket.

B. Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 ("Federalism"). It has no substantial direct effect on the States, on the current

Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Thus this final rule contains no policies that have Federalism implications, as defined in Executive Order 12612, and no Federalism Assessment is required.

C. Impact on Small Entities

Based on available information, I certify that the changes in this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A regulatory flexibility analysis prepared for the October 2, 1991 final rule is available for review in the docket.

D. Paperwork Reduction Act

This amendment imposes no changes to the information collection and recordkeeping requirements contained in the June 12, 1989 final rule, which was approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35.

E. Regulatory Information Number (RIN)

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous material transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, title 49, chapter I, subchapters B and C of the Code of Federal Regulations, are amended as set forth below.

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 App. U.S.C. 1802, 1806, 1808-1811; 49 CFR 1.45 and

1.53 and app. A of part 1, Public Law 89-670 (49 U.S.C. 1653(d), 1655).

§ 107.503 [Amended]

2. In § 107.503, in paragraphs (b)(1) and (c), the date "December 31, 1991" is revised to read "June 30, 1992" both places it appears.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

3. The authority citation for part 180 continues to read as follows:

Authority: 49 App. U.S.C. 1803; 49 CFR part 1.

§ 180.413 [Amended]

4. In § 180.413, in the last sentence of the introductory text to paragraph (a), the date "January 1, 1992" is revised to read "June 30, 1992".

Issued in Washington, DC on December 30, 1991, under authority delegated in 49 CFR part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

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